

AT REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 12TH DAY OF JANUARY, 2015 AT 6:30 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

| | | |
|----------|---------------------|----------------------------------|
| PRESENT: | William H. Brown | -Chair |
| | Mary W. Biggs | -Vice Chair |
| | Gary D. Creed | -Supervisors |
| | Matthew R. Gabriele | |
| | M. Todd King | |
| | Annette S. Perkins | |
| | F. Craig Meadows | -County Administrator |
| | L. Carol Edmonds | -Deputy County Administrator |
| | Martin M. McMahon | -County Attorney |
| | Dari Jenkins | -Zoning Administrator |
| | Ruth Richey | -Public Information Officer |
| | Marc Magruder | -Budget Manager |
| | Vickie L. Swinney | -Secretary, Board of Supervisors |
| ABSENT: | Christopher A. Tuck | -Supervisor |

CALL TO ORDER

The Chair called the meeting to order.

REMOVE FROM CLOSED MEETING

The Chair announced that the following item will be removed from Closed Meeting:

- (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where No Previous Announcement Has Been Made of the Business or Industry's Interest in Locating or Expanding Its Facilities in the Community.
 1. Project # 2014-047

INTO CLOSED MEETING

On a motion by Mary W. Biggs, seconded by Matthew R. Gabriele and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711 (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Economic Development Authority

The vote on the forgoing motion was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|---------------------|------------|---------------------|
| Gary D. Creed | None | Christopher A. Tuck |
| M. Todd King | | |
| Mary W. Biggs | | |
| Annette S. Perkins | | |
| Matthew R. Gabriele | | |
| William H. Brown | | |

The County Administrator took over the proceeding of the meeting until the election of the Chair for 2015.

OUT OF CLOSED MEETING

On a motion by William H. Brown, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the forgoing motion was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|---------------------|------------|---------------------|
| M. Todd King | None | Christopher A. Tuck |
| Mary W. Biggs | | |
| Annette S. Perkins | | |
| Matthew R. Gabriele | | |
| Gary D. Creed | | |
| William H. Brown | | |

CERTIFICATION OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Mary W. Biggs
Annette S. Perkins
Matthew R. Gabriele
Gary D. Creed
M. Todd King
William H. Brown

NAYS

None

ABSENT DURING VOTE

Christopher A. Tuck

ABSENT DURING MEETING

Christopher A. Tuck

INVOCATION

A moment of silence was led by the County Administrator.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ELECTION OF CHAIR

The County Administrator opened the floor for nominations. Supervisor Biggs nominated Supervisor Bill Brown for Chair for calendar year 2015. There were no further nominations, the County Administrator closed the nominations.

R-FY-15-58 ELECTION OF CHAIR CALENDAR YEAR 2015

On a motion by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, That **William H. Brown** be and hereby is, elected as Chair of the Montgomery County Board of Supervisors for the calendar year 2015 or until a successor is elected.

The vote on the forgoing resolution was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|---------------------|------------|---------------------|
| Annette S. Perkins | None | Christopher A. Tuck |
| Matthew R. Gabriele | | |
| Gary D. Creed | | |
| M. Todd King | | |
| Mary W. Biggs | | |
| William H. Brown | | |

The County Administrator turned over the meeting to the Chair to officiate the remainder of the meeting.

ELECTION OF VICE-CHAIR

Chair Brown opened the floor for nominations. Supervisor Gabriele nominated Supervisor Mary Biggs for Vice-Chair for calendar year 2015. There were no further nominations, the Chair closed the nominations.

R-FY-15-59 ELECTION OF VICE-CHAIR CALENDAR YEAR 2015

On a motion by Matthew R. Gabriele and carried unanimously,

BE IT RESOLVED, That **Mary W. Biggs** be and hereby is, elected as Vice-Chair of the Montgomery County Board of Supervisors for the calendar year 2015 or until a successor is elected.

The vote on the forgoing resolution was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|---------------------|------------|---------------------|
| Matthew R. Gabriele | None | Christopher A. Tuck |
| Gary D. Creed | | |
| M. Todd King | | |
| Mary W. Biggs | | |
| Annette S. Perkins | | |
| William H. Brown | | |

ORGANIZATIONAL MATTERS

R-FY-15-60

SELECTION OF REGULAR MEETING DATE

On a motion by Matthew R. Gabriele, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, That the regular meetings of the Board of Supervisors for calendar year 2015 shall be the 2nd and 4th Monday of each month. The closed session portion of the meeting shall begin at 6:00 p.m., if closed session is required, or at a time prior to or after 6:00 p.m. as notified by the County Administrator, otherwise the meeting shall begin at 7:15 p.m. in the Board Room of the Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia provided that when the regular meeting day of any month falls upon a legal holiday, such regular meeting in such month shall be held on the following business day; and provided further, that the Board of Supervisors may, by resolution at any meeting, provided that the next following regular meeting shall be a different time or place, and it shall then be the duty of the County Administrator to give timely notice thereof to all members of the Board and to inform the news media.

BE IT FURTHER RESOLVED, That should the Chairman declare that the weather or other conditions are such that it is hazardous for members to attend the regular meeting, the regular meeting shall be continued to the following Monday. The continuance of the regular meeting shall be communicated to the members of the Board and the press as promptly as possible.

The vote on the forgoing resolution was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|---------------------|------------|---------------------|
| Gary D. Creed | None | Christopher A. Tuck |
| M. Todd King | | |
| Mary W. Biggs | | |
| Annette S. Perkins | | |
| Matthew R. Gabriele | | |
| William H. Brown | | |

R-FY-15-61
RULES OF ORDER AND
PARLIAMENTARY PROCEDURES

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby adopts the Rules of Order and Parliamentary Procedures for calendar year 2015.

RULES OF ORDER

- Rule 1** The current edition of *Roberts Rules of Order* shall govern in the deliberations of the Board of Supervisors, except as otherwise provided by ordinance or these rules.
- Rule 2** The Board may *temporarily suspend* any of its rules by a vote of two-thirds of the members present.
- Rule 3** No ordinance or resolution *appropriating money exceeding the sum of \$500*, imposing taxes, or authorizing the borrowing of money shall be passed except by a recorded affirmative vote of a majority of all members elected to the Board.
- Rule 4** Items requiring Board action not on the Board's agenda that are proper for Board consideration may be added during the meeting under the Addendum portion of the Agenda by a motion to Amend the Agenda, followed by a second and majority vote of the Board.
- Rule 5** *Discussion of Agenda items* will occur only after a motion is made.
- Rule 6** In any case in which there shall be a *tie vote* of the Board upon any question when all of the members are not present, that question shall be passed by until the next meeting when it shall again be voted upon even though all members are not present. In any case in which there shall be a tie vote upon any question after complying with this procedure, that tie vote shall defeat the motion, resolution or issue voted upon.
- Rule 7** When any motion, resolution, or ordinance has been *once acted upon* by the Board it cannot be considered again at the same meeting except by a motion to reconsider. The motion to reconsider cannot be repeated on the same question unless the question was amended when previously reconsidered.
- Rule 8** A motion to *reconsider* a question which has been decided shall be made by a member who voted with the prevailing side and shall be made at the same meeting of the Board or the next succeeding meeting of the Board. All motions to reconsider shall be decided by a majority vote of the members present.

- Rule 9** When the Board wishes to *annul some action it has previously taken*, a motion to rescind the objectionable resolution, order or other proceeding may be made. Any action of the Board may be rescinded regardless of the time that has elapsed. A motion to rescind is not in order if action has already been taken which cannot be undone.
- Rule 10** The County Administrator is hereby authorized to prepare for each meeting a *consent agenda* for consideration by the Board. This consent agenda may include any item believed by the County Administrator to be routine and not controversial in nature, for example, resolutions authorizing interdepartmental budget transfers, appropriations, various permits authorized by the Board, referrals to other boards and commissions for appropriate action.
- Rule 11** Any member of the Board may request to have any item *removed from the consent agenda*. Such request need not be seconded. Such item shall then be considered immediately after the consent agenda.
- Rule 12** A single motion and roll call vote in favor thereof shall approve all items remaining on the *consent agenda*.
- Rule 13** The County Administrator is hereby authorized to *provide agendas* for future Board meetings to those individuals, businesses, or organizations who desire to receive same.
- Rule 14** An individual, business or organization shall request the County Administrator on a calendar year basis to *mail such agendas* to them. At the end of each calendar year, the County Administrator shall notify all individuals, businesses, or organizations on the agenda list that agendas will no longer be mailed to them unless notification is received by the County Administrator that they desire to continue to receive agendas for the upcoming calendar year.
- Rule 15** The County Administrator shall **mail agendas at the public expense** until such time as the annual expense for such mailings exceeds \$500. Thereafter, the County Administrator shall bring such practice to the attention of the Board for its consideration.
- Rule 16** Individual speakers will be limited to 5 minutes to address the Board during the public address and the public hearing portions of the meeting. *Applicants and/or agents of land use issues will be limited to 15 minutes to address the Board during the public hearing portion of the meeting.*
- Rule 17** Staff and **Delegation** presentations will not exceed 20 minutes unless prior approval is obtained from the Administrator.

- Rule 18** The **Board Member report** portion of the Agenda is intended to provide Board Members an opportunity to provide updates and information of a general interest to fellow Board Members, staff and the General Public.
- Rule 19** Motions for **tabling** an item shall include conditions for removal from the table.
- Rule 20** Board meetings will **adjourn** no later than 11:30 p.m., unless a vote is taken to continue the meeting, with an affirmative vote of two-thirds (2/3) of those members present.
- Rule 21** Appointments of individual members of the Board of Supervisors for yearly **appointments** to various Boards, Commissions, Committees, etc., shall be made at the beginning of the year, at the same meeting at which elections of the Chair and Vice Chair occur (the first meeting of each calendar year), unless the appointment to a Board, Commission, or Committee needs to be made by the Board prior to January 1 of the effective year in which case the appointment will be made prior to the end of the year to be effective January 1, of the following year.
- Rule 22** On final vote on any ordinance or resolution, the name of each member voting and how he/she voted shall be recorded.

The vote on the forgoing resolution was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|---------------------|------------|---------------------|
| M. Todd King | None | Christopher A. Tuck |
| Mary W. Biggs | | |
| Annette S. Perkins | | |
| Matthew R. Gabriele | | |
| Gary D. Creed | | |
| William H. Brown | | |

R-FY-15-62
CODE OF ETHICS AND
STANDARDS OF CONDUCT

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby adopts the Code of Ethics and Standards of Conduct for calendar year 2015.

CODE OF ETHICS

Recognizing that persons who hold public office have been given a public trust and that the stewardship of such office demands the highest levels of ethical and moral conduct, any person serving on the Montgomery County Board of Supervisors should adhere to the following Code of Ethics:

1. Uphold the Constitution, laws and regulations of the United States, the Commonwealth of Virginia and Montgomery County, and never knowingly be a party to their evasion.
2. Be loyal to moral principles and the interests of the citizens of the county.
3. Give a full measure of effort and service to the position of trust for which stewardship has been granted; giving earnest effort and best thought to the performance of duties.
4. Seek to find and use the most equitable, efficient, effective, and economical means for getting tasks accomplished.
5. Adopt policies and programs that support the rights and recognize the needs of all citizens regardless of race, gender, age, religion, creed or country of origin. Avoid adopting policies, supporting programs or engaging in Board activities that discriminate against or offend individuals because of race, gender, age, religion, creed or country of origin.
6. Ensure the integrity of the actions of the Board of Supervisors by avoiding discrimination through the dispersing of, or requesting, special favors or unfair privileges to anyone, whether for remuneration or not. A member should never request or accept for himself or herself or for family members, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties, or employees.
7. Make no private promises of any kind binding upon the duties of any office, since a public servant has no private word which can be binding on public duty.
8. Engage in no business with the county government, either directly or indirectly, which is inconsistent with the conscientious performance of government duties except as may be consistent with the State and Local Government Conflict of Interest Act.
9. Never use any information gained confidentially in the performance of governmental duties as a means of making private profit.
10. Expose through appropriate means and channels, corruption, misconduct, or neglect of duty whenever discovered.

11. Adhere to the principle that the public's business should be conducted in the public view by observing and following the letter and spirit of the Freedom of Information Act using closed sessions to deal with sensitive personnel, legal, contractual or other issues as provided by the Code of Virginia.
12. Avoid using the position of public trust to gain access to the media for the purposes of criticizing colleagues or citizens, impugning their integrity or vilifying their personal beliefs.
13. Make sure, when responding to the media, that a clear distinction is made between personal opinion or belief and a decision made by the Board of Supervisors.
14. Review orally and in public session at the annual organizational meeting each of these principles.
15. Pledge to honor and uphold these principles, ever conscious that public office is a public trust.
16. The Board recognizes that its primary role is to make policy and therefore will focus on issues pertaining to programs, operations and issues.
17. The Board recognizes that discussion of personnel matters are to remain confidential, must be discussed through appropriate channel processes, and that it is the obligation of each Board member to protect the privacy of the individual.
18. Board members will follow the procedure of communicating directly with the County Administrator and the Chairman of the Board. On personnel matters or matters relating to incidents, issues, or problems, the Board will follow the procedure of communicating directly with the Chairman or the County Administrator. Especially in situations where Board members might conceivably be construed as attempting to supervise, direct, or interfere with county personnel and the performance of their duties.

STANDARDS OF CONDUCT

Recognizing that persons holding a position of public trust are under constant observation by the media and interested county residents, and recognizing that maintaining the integrity and dignity of the public office is essential for maintaining high levels of public confidence in our institutions of government, every member of the Montgomery County Board of Supervisors should adhere to the following Standards of Conduct:

1. Avoid, during public meetings and during the performance of public duties, the use of abusive, threatening or intimidating language or gestures directed at colleagues, citizens, or personnel.
2. Pay all taxes due to the county, state, or national government.

3. Attend all regularly scheduled meetings of the boards or committees to which he or she has been assigned, resigning whenever personal circumstances preclude regular attendance.
4. Avoid a private lifestyle that casts public doubt upon the integrity and competence of the county government.
5. Make a conscientious effort to be well prepared for each meeting.
6. Offer criticism of county employees only in private meetings with appropriate individuals or in closed session.
7. Work to create a positive environment in public meetings where citizens will feel comfortable in their roles as observers or participants.
8. Maintain an attitude of courtesy and consideration toward all colleagues.
9. Be tolerant. Allow citizens, employees, or colleagues sufficient opportunity to present their views.
10. Be respectful and attentive. Avoid comments, body language or distracting activity that conveys a message of disrespect for the presentations from citizens, personnel or colleagues.
11. Be concise. Avoid the practice of taking more time to address an issue before the body than is necessary and essential for an adequate consideration of those matters being discussed.

The vote on the forgoing resolution was as follows:

| | | |
|---------------------|------------|---------------------|
| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
| Mary W. Biggs | None | Christopher A. Tuck |
| Annette S. Perkins | | |
| Matthew R. Gabriele | | |
| Gary D. Creed | | |
| M. Todd King | | |
| William H. Brown | | |

PUBLIC HEARING

Fiscal Year 2015-2016 County Budget

The purpose of this public hearing is to gather citizen comments on the upcoming 2015-2016 fiscal year budget.

The County Administrator stated that this public hearing is to receive citizen comments on the upcoming budget process.

Barbara Skinner expressed her concerns with the proposed Montgomery County Public School budget. It appears that the Superintendent of MCPS will present a “needs-based” budget around \$108 million. Ms. Skinner stated that there are numerous studies that show that more money does not necessarily lead to better achievement. A recent research conducted by Andrew J. Coulson from the Cato Institute shows that in Virginia a large increase in education spending between 1972 and 2012 has resulted in flat achievement on SAT scores. Ms. Skinner also provided a copy of her editorial in the Roanoke Times entitled “MCPS: How much ‘bang for the buck’ for taxpayers? The editorial is based on the Center for American Progress report that evaluates school spending per student and levels of student achievement. The report isn’t advocating for less spending, but rather for better and more strategic spending. Ms. Skinner stated that along with these studies and the efficiency report on MCPS leads her to believe that the County needs better and smarter budgets for education rather than more money.

There being no further speakers, the public hearing was closed.

PUBLIC ADDRESS

Betsy Duane requested the Board’s assistance to resolve two problems that continue to have a negative impact on the use and enjoyment of her family’s property on Mount Pleasant Road in Shawsville. Ms. Duane stated that there is a landfill operation located on Mount Pleasant Road at the intersection of Archer Road. For more than 18 months her family has endured almost constant construction/noise and truck traffic due to excavation and material being dumped in this property. There has been destruction of the road surfaces on Mount Pleasant and Archer Road. She believes regulations need to be in place to prohibit this sort of business activity on land zoned specifically for agriculture. Ms. Duncan also expressed concern with a proposed Pig Farm and Slaughterhouse Operation near her property. A professionally printed sign at the entrance of the landfill announcing the opening of a pig farm has been posted. She is concerned about the size of the planned farm, its proximity to water and contamination from the farm, and potential commercial aspects in an A-1 zoned area where parcels are not larger than 5 acres. Ms. Duncan expressed concerns that a neighboring pig farm will lower her property value and ability to sell her property.

Cindy Turner expressed her appreciation to the Montgomery County law enforcement officers for their service. She recognized the families of the law enforcement, who have to spend time apart due to their job. Ms. Turner also thanked the Board of Supervisors for supporting the purchase of body cameras for the Montgomery County Sheriff's Department.

There being no further speakers, the public address session was closed.

CONSENT AGENDA

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated January 12, 2015 was approved. The vote was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|---------------------|------------|---------------------|
| Matthew R. Gabriele | None | Christopher A. Tuck |
| Gary D. Creed | | |
| M. Todd King | | |
| Mary W. Biggs | | |
| Annette S. Perkins | | |
| William H. Brown | | |

Approval of Minutes

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously, the minutes dated October 6, 2014 were approved.

Appropriations and Transfers

A-FY-15-57 COMMONWEALTH'S ATTORNEY FORFEITED ASSET SHARING PROGRAM

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2015, for the function and in the amount as follows:

| | | |
|-----|-------------------------|---------|
| 200 | Commonwealth's Attorney | \$1,130 |
|-----|-------------------------|---------|

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

The source of the funds for the foregoing appropriation is as follows:

| <u>Revenue Account</u> | |
|---------------------------------------|----------|
| 424401 Fire Program Fund Distribution | \$83,065 |

Said resolution appropriates funds received from the Fire Program Fund for use by volunteer fire departments.

**A-FY-15-60
SHERIFF
RECOVERED COSTS**

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2015, for the function and in the amount as follows:

| | |
|-------------------------------|-----------------|
| 320 Sheriff County | \$23,559 |
| 321 Sheriff County | \$ 713 |
| 322 Sheriff Project Lifesaver | <u>\$ 1,310</u> |
| Total | \$25,582 |

The sources of the funds for the foregoing appropriation are as follows:

| <u>Revenue Account</u> | |
|--------------------------|-----------------|
| 419108 Recovered Costs | \$23,559 |
| 419104 Confiscations | \$ 713 |
| 424401 Project Lifesaver | <u>\$ 1,310</u> |
| Total | \$25,582 |

Said resolution appropriates recovered costs, confiscations, and Project Lifesaver funds.

County Policy

**R-FY-15-63
RESOLUTION UPDATING THE
SPONSORSHIP POLICY FOR
NATIONAL CHAMPIONSHIP EVENTS**

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, By resolution dated August 27, 2007 the Board of Supervisors established a sponsorship policy for teams or individuals who reside in Montgomery County and request sponsorship to participate in national championship events; and

WHEREAS, The Board desires to increase the support provided to teams who attain this level of achievement.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors hereby amends and re-establishes their sponsorship policy for national championship events, as follows:

1. Teams must be affiliated with leagues which are located in Montgomery County.
2. To be eligible for sponsorship teams or individuals must reside in Montgomery County, win a state tournament qualifier whereby the winning team/individual receives an automatic bid to a national championship tournament. Typical programs which conduct national championship tournaments are Dixie, Pony, Little League, AAU, USSA, and ASA as examples of national recreational leagues which provide for national qualifier tournaments.
3. The Board of Supervisors will provide a maximum of a \$100 sponsorship for individuals, and between \$500 and \$1500 for teams, depending upon the amount of sponsorship provided by other municipalities, payable to the recreational leagues, to help defray the expense of participating in a national championship and representing Montgomery County at the national level.

Appointments

R-FY-15-64 MONTGOMERY REGIONAL ECONOMIC DEVELOPMENT COMMISSION (EDC)- APPOINT REPRESENTATIVE FOR NEW RIVER COMMUNITY COLLEGE

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby re-appoints **Angie Covey** as New River Community College representative to the **Montgomery Regional Economic Development Commission** effective January 1, 2015 and expiring December 31, 2017.

R-FY-15-65 PLANNING COMMISSION

APPOINT BRYAN RICE

On a motion by Matthew R. Gabriele, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Bryan Rice** to the **Montgomery County Planning Commission** effective January 13, 2015 and expiring September 9, 2017.

Said appointment fills the unexpired term of Francis Lau, resigned.

OLD BUSINESS

ORD-FY-15-08

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF APPROXIMATELY 0.473 ACRES, FROM AGRICULTURAL (A1) TO GENERAL BUSINESS (GB) TAX PARCEL NO 90-5-40 AND THE GRANTING OF A SPECIAL USE PERMIT TO ALLOW A RECYCLING FACILITY ON APPROXIMATELY 4.442 ACRES TAX PARCELS NOS. 90-4-1A, 2A, 90-5-1, 2, 3, 4, 5, 6, 7, 90-5-40, 40A AND 40B; LOCATED AT 3431 RADFORD ROAD, CHRISTIANSBURG, VA NRVP&P LLC PROPERTIES

On a motion by Mary W. Biggs, seconded by M. Todd King and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning and special use permit request is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice and therefore approves the request to rezone approximately 0.473 acres of tax parcel 90-5-40 from Agricultural (A1) to General Business (GB), and the granting of a Special Use Permit (SUP) on approximately 4.442 acres, tax parcels Nos. 90-4-1A, 2A, 90-5-1, 2, 3, 4, 5, 6, 7, 90-5-40, 40A and 40B in a General Business (GB) District, with the parameters of the rezoning and SUP all shown more particularly on the attached Exhibit Plat entitled "Exhibit 7A-Lot Line Adjustments Map NRVP&P LLC Properties Montgomery County, Virginia, dated December 2, 2014", prepared by Draper Aden Associates, to allow a recycling facility subject to the following conditions:

1. The operation of the Recycling Center shall be in accordance with the provisions of the Zoning Ordinance. This permit shall automatically expire if the business ceases to operate for a period of two years or more per Section 10-54(3)(j)2.
2. The applicant shall obtain the appropriate commercial entrance permits and approvals from the Virginia Department of Transportation (VDOT) and provide a copy to the County staff.
3. Hours of operation shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Saturday.

4. All collection and storage of materials shall be conducted inside the building identified as 3431 Radford Road.
5. At all times, the property shall be kept free of litter and devoid of loose materials from the recycling operation.
6. The applicant shall not accept or process any municipal, commercial, industrial, medical, or hazardous solid waste, as defined by the Department of Environmental Quality (DEQ).
7. The applicant shall not accept or process any material, the disposal of which would violate applicable federal or state laws, rules, regulations, permits or requirements in effect at the time or place of disposal.
8. A site plan shall be developed for approval in accordance with the concept plan entitled "Exhibit 7A – Lot Line Adjustment Map" and "Exhibit 7B – Proposed Improvements Map", dated December 2, 2014 and prepared by Draper Aden Associates. Approval of a site plan is required prior to obtaining a building permit and or issuance of a Certificate of Occupancy for the change in use.
9. No storage containers used for shipping purposes, or truck compartments or trailers shall be stored or otherwise used on the premises.
10. There shall be no outside storage. Materials received at the site shall be stored within the existing structures until a truckload is available for shipment.
11. Exterior lighting shall comply with Section 10-46(9) of the Montgomery County Code.
12. Signage for the site shall be compliant with Section 10-45 of the Montgomery County Code. Banners and/or other signage shall not be installed or mounted on any fence.
13. Occupancy of the security residence shall be limited to no more than four (4) unrelated and six (6) total occupants within the dwelling.
14. As a condition of receiving approval to allow a recycling center at 3431 Radford Road, the owner agrees to submit a letter withdrawing/vacating the Special Use Permit in effect at 2700 Radford Road.
15. Site shall be substantially in conformance with the concept plan submitted with the application materials dated December 2, 2014.

The subject parcel is located at 3431 Radford Road and identified as Tax Parcels No. 90-4-1A, 2A, 90-5-1,2,3,4,5,6,7, 90-5-40, 40A and 40B; Account No. 011646, 019273, 019274, 019275, 019276, 019277, 014010, 014148, 015706, 014011 and 014149 in the Riner Magisterial District (District D).

The property currently lies in an area designated as Village Expansion in the 2025 Comprehensive Plan and Mixed Use in the Plum Creek Village Plan.

This action was commenced upon the application of Montgomery County Board of Supervisors and NRVP&P LLC Properties (Agent: Kendall Clay, Attorney).

This ordinance shall take effect upon adoption.

The vote on the forgoing ordinance was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|---------------------|------------|---------------------|
| Gary D. Creed | None | Christopher A. Tuck |
| Mary W. Biggs | | |
| Annette S. Perkins | | |
| Matthew R. Gabriele | | |
| M. Todd King | | |
| William H. Brown | | |

NEW BUSINESS

R-FY-15-66 BOARD OF SUPERVISORS ANNUAL APPOINTMENTS TO BOARDS AND COMMISSIONS FOR 2015

On a motion by Mary W. Biggs, seconded by M. Todd King and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the following Supervisors are appointed as representative to the indicated boards and commissions, effective January 1, 2015 and expiring December 31, 2015:

| <u>Board/Commission</u> | <u>Supervisor</u> |
|--|--|
| AFD Advisory Board | <u>Christopher A. Tuck</u> |
| Chamber of Commerce Liaison | <u>William H. Brown</u> (Chair) <u>Mary W. Biggs</u> (Vice-Chair) |
| County/School Liaison | <u>F. Craig Meadows</u> (County Administrator) <u>William H. Brown</u> (Chair) |
| Economic Development Alliance (NRV) | <u>F. Craig Meadows</u> (County Administrator) <u>Annette S. Perkins</u> (Chair or Designee) |
| Economic Development Commission (Montgomery Regional) | <u>Matthew R. Gabriele</u> |
| Fairview District Home Board | <u>Annette S. Perkins</u> <u>M. Todd King</u> (Alternate) |
| Fairview Home, Inc. Board of Directors | <u>L. Carol Edmonds</u> (County Admin/Designee) |
| Legislative Liaison | <u>Mary W. Biggs</u> |
| Library Board Liaison | <u>Mary W. Biggs</u> |

| | |
|--|--|
| Metropolitan Planning Organization (MPO) | <u>Annette S. Perkins</u> (Board Member) <u>Matthew R. Gabriele</u> (Alternate) <u>F. Craig Meadows</u> (County Administrator) |
| Montgomery County Improvement Council (MCIC) | <u>Christopher A. Tuck</u> |
| Parks & Recreation Commission Liaison | <u>Gary D. Creed</u> |
| Planning Commission Liaison | <u>Christopher A. Tuck</u> <u>Mary W. Biggs</u> (Alternate) |
| Road Viewers Board | <u>All Board Members</u> |
| Transportation Safety Commission | <u>Gary D. Creed</u> |
| Virginia Tech Liaison | <u>F. Craig Meadows</u> (County Administrator) |

BE IT FURTHER RESOLVED, That employees appointed to boards/commissions/ authorities as a representative for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority.

BE IF FURTHER RESOLVED, The expiration of a Board of Supervisors term in office shall constitute a voluntary resignation from any board/commission/authority appointment as a representative of Montgomery County.

The vote on the forgoing resolution was as follows:

| | | |
|---------------------|------------|---------------------|
| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
| M. Todd King | None | Christopher A. Tuck |
| Mary W. Biggs | | |
| Annette S. Perkins | | |
| Matthew R. Gabriele | | |
| Gary D. Creed | | |
| William H. Brown | | |

Supervisor Perkins noted that she is the County's representative on the Department of Social Services Board and will not be able to continue to serve the remainder of her term, which expires on December 31, 2015. Supervisor King stated he is willing to serve the remainder of Supervisor Perkins' term. A resolution to appoint Supervisor King to the Department of Social Services Board will be on the January 26, 2015 agenda.

R-FY-15-67

**RESOLUTION OF SUPPORT FOR CHANGING THE NAME OF THE NEW RIVER
VALLEY PLANNING DISTRICT COMMISSION TO
THE NEW RIVER VALLEY REGIONAL COMMISSION**

On a motion by Matthew R. Gabriele, seconded by Gary D. Creed and carried unanimously,

WHEREAS, The New River Valley Planning District Commission was established by the local governments within the region on September 15, 1969 and chartered the Commission with the aforementioned name; and

WHEREAS, The Commission conducted an assessment of the agency in 2012 which identified eight implementation priorities, one of which included changing the name to the New River Valley Regional Commission; and

WHEREAS, The Commission Board of Directors conducted a vote that secured unanimous support at their meeting on October 23, 2014 to pursue changing the name to the New River Valley Regional Commission; and

WHEREAS, Changing the name of the Commission necessitates an amendment to the Commission's Charter which must secure a majority of affirmative support from its members (8 out of 14) to be implemented; and

WHEREAS, The Commission is seeking unanimous support from its members to change the name; and

WHEREAS, The Commission is pursuing the name change to better reflect the overall mission and actions of the agency as a regional body serving the New River Valley, while recognizing the Commission routinely provides services beyond planning to its members, and the name Planning District Commission is often mistaken for local government Planning Commissions; and

WHEREAS, The purpose and function of the Commission will remain unchanged, while the new name offers better alignment with the intended purpose/function of regional collaboration, convening, visioning and service delivery.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia fully supports the New River Valley Planning District Commission changing the name of the agency to the New River Valley Regional Commission.

The vote on the forgoing resolution was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|---------------------|------------|---------------------|
| Mary W. Biggs | None | Christopher A. Tuck |
| Annette S. Perkins | | |
| Matthew R. Gabriele | | |
| Gary D. Creed | | |
| M. Todd King | | |
| William H. Brown | | |

R-FY-15-68
RESOLUTION OF APPRECIATION
MONTGOMERY COUNTY SCHOOL BOARD
B. WENDELL JONES

On a motion by Mary W. Biggs, seconded by M. Todd King and carried unanimously,

WHEREAS, B. Wendell Jones has faithfully served as a member of the Montgomery County School Board from January 1, 2004 through December 31, 2014; and

WHEREAS, B. Wendell Jones served as Vice-Chair in 2005 and 2006 and as Chair from 2008-2014; and

WHEREAS, His eleven years of service to Montgomery County Public Schools was during a time which saw the construction of a new Blacksburg High School, Prices Fork Elementary School, Eastern Montgomery Elementary School, Auburn High School, and renovation of the old Auburn High School for Auburn Middle School; and

WHEREAS, His years of service have been marked by his dedication to the interests of the students who attend the Montgomery County Public Schools and the members of the Board of Supervisors recognize the enormous responsibility undertaken by members of the Montgomery County School Board.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to ***B. Wendell Jones*** for his outstanding public service.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to ***B. Wendell Jones*** and that a copy be a part of the official minutes of Montgomery County.

The vote on the forgoing resolution was as follows:

| <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|---------------------|------------|---------------------|
| Annette S. Perkins | None | Christopher A. Tuck |
| Matthew R. Gabriele | | |
| Gary D. Creed | | |
| M. Todd King | | |
| Mary W. Biggs | | |
| William H. Brown | | |

COUNTY ADMINISTRATOR'S REPORT

The County Administrator reported on the following items:

- Cigarette Tax: Delegate Yost will be introducing a bill that adds Montgomery and Pulaski Counties to the list of counties authorized to impose a local cigarette tax and requires that the revenue from such tax in those counties be used solely for school maintenance and construction. Pulaski County had requested this and Delegate Yost recommended that Montgomery County be included.
- SB 753, Trooper Andrew Fox Memorial Bridge: The County Administrator received information that Senator Charles Carrico introduced SB 753 requesting the designation of the New River Bridge on Interstate 81 in Montgomery and Pulaski Counties the "Trooper Andrew Fox Memorial Bridge". According to the Code of Virginia, localities or private individuals are responsible for paying the costs associated with naming a bridge. Therefore, Montgomery and Pulaski Counties will share the costs of the sign, installation, and maintenance. The County Administrator stated he submitted an e-mail to Senator Carrico's office requesting information as to who requested this.
- Mandatory sewer and water connections: Senator John Edwards will introduce the bill this year that adds Montgomery County to the list of localities that may require connections to their water and sewer systems by owners of property that can be served by the systems. In 2014 this bill was introduced in the House side. Senator Edwards believes it may have a better chance of getting approved if introduced in the Senate side.
- Mountain Valley Pipeline: U.S. Representative Morgan Griffith's office called and reported they received Montgomery County's resolution regarding the proposed Mountain Valley Pipeline and are aware of the County's concerns.

BOARD MEMBERS REPORTS

Supervisor Creed believes the County needs to have restrictions on the raising of pigs/hogs in residential areas. The County Administrator stated he will research the issue.

Supervisor King expressed his appreciation to the Montgomery County Public Schools for allowing the Riner Volunteer Fire Department and Rescue Squad to conduct training exercises at the old Auburn Middle School.

Riner Volunteer Fire Department Annual Oyster Dinner will be held Saturday, February 7, 2015 at Auburn Elementary School from 4-7 p.m.

Supervisor Biggs thanked fellow Board members for electing her Vice-Chair for 2015.

Human Relations Council requested information on how to submit a budget request for FY 2016. In the past they received county funding and would like to get back on the County's list for funding.

The Deputy County Administrator reported that the Human Relations Council from FY 2001-FY 2011 received \$1,500 per year. In FY 2011, the Human Relations Council reported they were going through a re-organization and has not submitted a budget request since. The Deputy County Administrator stated that all budget requests were due in December; however, she will get with the Finance Department to forward a budget packet to the Human Relations Council.

Supervisor Gabriele reported the Economic Development Commission and the Montgomery Tourism Development Council did not meet in December due to the holidays. The Montgomery Tourism Development Council will make a presentation to the Board of Supervisors at the Board's January 26, 2015 meeting on the Regional Tourism Program.

Supervisor Brown thanked fellow Board members for electing him Chair for 2015. He reminded Board members of the all-day work session scheduled for Friday, January 15, 2015.

ADJOURNMENT

The Chair declared the meeting adjourned to Friday, January 16, 2015 at 8:30 a.m. for an all-day work session. The meeting adjourned at 8:10 p.m.

Supervisor Tuck arrived at the meeting at 8:10 p.m. He expressed his apologies for not attending the meeting; however, he has just got back into town.

| | |
|------------------|----------------------|
| APPROVED _____ | ATTEST: _____ |
| William H. Brown | F. Craig Meadows |
| Chair | County Administrator |